

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments. Claims 19-34 were pending in the application. Claims 25-34 are withdrawn. By this Amendment, claim 19 has been amended and new claims 35-36 have been added. No new matter has been added. Accordingly, claims 19-24 and 35-36 are pending.

Rejection of claims 19-24 under 35 U.S.C. 103(a) as being obvious over Suzuki et al in view of Middleton et al and Harrison

In response, applicants have amended claim 19, which now recites in part, "wherein the cosmetic or dermatological formulation comprises 0.001% by weight to 30% by weight, based on the total weight, of one or more substances a) or of the combination a) and b)." The references taken individually or together do not teach or suggest a formulation which comprises a certain percentage by weight, based on the total weight of one or more flavonoids a) or of the combination of said flavonoid/s and cinnamic acid. Support for the amendments to the claims is found on page 15 of the specification, as originally filed, beginning on line 18. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

Double patenting rejection

The Examiner rejected claims 19-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent No. 5,952,373, claims 1-5 of U.S. Patent 6,121,243, and claims 1-2 of U.S. Patent No. 6,562,794.

In response, applicants request that the claims be held in abeyance until allowed, at which time, applicants will take appropriate action such as filing a terminal disclaimer or proving patentability distinctions.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.



CONCLUSION

Based on the foregoing remarks it is believed that the claims are in condition for allowance.

CONDITIONAL PETITION FOR EXTENSION OF TIME

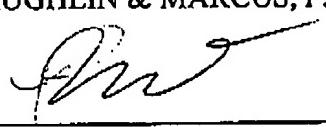
If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefore. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By _____


Paul Lim
Attorney for Applicant(s)
Reg. No. 55,383
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844